

HEARING OFFICER AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS
3300 NEWPORT BOULEVARD, BLDG. A
Wednesday, November 30, 2011, 9:30 a.m.

JUDGE JOHN C. WOOLLEY
Hearing Officer
JAVIER GARCIA, AICP
Senior Planner

NOTICE TO THE PUBLIC

HEARING ITEMS

ITEM NO. 1. Boswell Property - Abatement Period Extension - Abatement Period Extension
No. PA2010-188
313 East Balboa Boulevard Council District 1

SUMMARY: Request for the extension of the abatement period of nonconforming nonresidential use in an existing building located in a residential district. The subject property is located in the Two-Unit Residential District (R2) and is comprised of a two-story building with two commercial tenant spaces on the ground floor and two residential units on the second floor. The property owner has requested an extension of the abatement period beyond the one year period specified by the Zoning Code. The property is located in the R-2 (Two-Unit Residential) District.

**RECOMMENDED
ACTION:**

- 1) Conduct public hearing; and
- 2) Hearing Officer determination. Options include continuance, approval of Reasonable Accommodation No. PA2010-188 with conditions, or denial of reasonable accommodation. In the latter two cases, the Hearing Officer may instruct staff to prepare a Resolution for signature.

CEQA

COMPLIANCE: The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

ITEM NO. 2. Morrison Property - Abatement Period Extension - Abatement Period Extension
No. PA2011-059
1526 Placentia Avenue Council District 2

SUMMARY: Request for the extension of the abatement period of nonconforming nonresidential use in an existing building located in a residential district. The subject property is located in the Multiple-Unit Residential District (RM 2420) and is comprised of a single-story commercial building occupied by Kings Liquor and convenience market. The property owner has requested an extension of the abatement period beyond the one year period specified by the Zoning Code. The property is located in the RM 2420 (Multi-Unit Residential) District.

**RECOMMENDED
ACTION:**

- 1) Conduct public hearing; and
- 2) Hearing Officer determination. Options include continuance, approval of Reasonable Accommodation No. PA2011-059 with conditions, or denial

of reasonable accommodation. In the latter two cases, the Hearing Officer may instruct staff to prepare a Resolution for signature.

CEQA

COMPLIANCE: The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

ITEM NO. 3. Legere Property - Abatement Period Extension - Abatement Period Extension
No. PA2011-079
813 East Balboa Boulevard Council District 1

SUMMARY: Request for the extension of the abatement period of nonconforming nonresidential use in an existing building located in a residential district. The subject property is located in the Two-Unit Residential District (R-2) and is comprised of a single-story building with a commercial tenant, day spa use. The property owner has requested an extension of the abatement period beyond the one year period specified by the Zoning Code. The property is located in the R-2 (Two-Unit Residential) District.

RECOMMENDED

ACTION:

- 1) Conduct public hearing; and
- 2) Hearing Officer determination. Options include continuance, approval of Reasonable Accommodation No. PA2011-079 with conditions, or denial of reasonable accommodation. In the latter two cases, the Hearing Officer may instruct staff to prepare a Resolution for signature.

CEQA

COMPLIANCE: The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Hearing Officer's agenda be posted at least 72 hours in advance of each hearing and that the public be allowed to comment on agenda items before the Hearing Officer and items not on the agenda but are within the subject matter jurisdiction of the Hearing Officer. The Hearing Officer may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact the Planning Division at least 48 hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any writings or documents provided to the Hearing Officer regarding any item on this agenda will be made available for public inspection in the office of the Planning Division located at 3300 Newport Boulevard, during normal business hours.

APPEAL PERIOD: Reasonable Accommodations do not become effective until 14 days after the date of decision and adoption of a resolution by the Hearing Officer, during which time the decision of the Hearing Officer may be appealed to the City Council.